



GP 1632

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PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Thomas Frank Bumol, et al.)
Serial No. : 09/280,567) Group Art
Unit:)
Filed: March 30, 1999) 1632
For: THERAPEUTIC APPLICATIONS OF) Examiner:
mFLINT POLYPEPTIDES) P. Brunovskis
Docket No. : X-12915)

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated March 2, 2000, Group I is provisionally elected with traverse. The restriction requirement is submitted to be improper because the claims, as presently divided, are not "independent and distinct". Moreover, even if the groupings represent independent and distinct inventions, Applicants respectfully assert the restriction requirement to be unwarranted in the present case. According to the MPEP §803, restriction is improper if a search and examination would not impose an undue burden upon the Examiner. Applicants assert that the claims in Groups I - XIV could be searched and examined without undue burden since all relate to the use of a particular protein in

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Serial No. 09/280,567

the treatment of various medical conditions. Applicants respectfully request reconsideration by the Examiner.

Respectfully submitted,



Thomas D. Webster, Ph.D.
Attorney for Applicants
Registration No. 39,872
Phone: 317-276-3334

Eli Lilly and Company
Patent Division/TDW
Lilly Corporate Center
Indianapolis, Indiana 46285

March 28, 2000

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COMMUNICATION

Assistant Commissioner for Patents
Washington, D.C. 20231
Sir:

Please address all future correspondence in the
above-captioned to case to:

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Respectfully submitted,

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March 28, 2000